

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 21-cr-20283

v.

Judith E. Levy

United States District Judge

Ken Kenyatta Wilson,

Mag. Judge David R. Grand

Defendant.

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**ORDER GRANTING THE GOVERNMENT'S
MOTION FOR AN EXTENSION OF TIME [55]**

Before the Court is the government's motion for an extension of time. (ECF No. 55.) The Court previously found that Defendant Ken Kenyatta Wilson "is incompetent to stand trial with respect to the charges he is facing in this criminal action," and the Court committed him to the custody of the Attorney General for treatment. (ECF No. 22, PageID.206.) *See* 18 U.S.C. § 4241(d). Wilson "is [currently] committed to the custody of the Attorney General for continued treatment through February 15, 2024." (ECF No. 49, PageID.477.)

In its motion, the government seeks a sixty-day extension of the commitment period "to permit [the Bureau of Prisons (BOP)] to

complete their evaluation of Mr. Wilson and prepare a final report”; “to permit the Court, counsel, and Mr. Wilson to review that report”; and “to permit the Court time to . . . hold a hearing to determine whether the Court agrees with BOP’s conclusions regarding Mr. Wilson’s competency, and whether, if found incompetent, it is pertinent to order a risk assessment under section 4246.” (ECF No. 55, PageID.495.) The government states that

[o]n January 18, 2024, and February 2, 2024, the Bureau of Prisons provided counsel with reports regarding Wilson’s rehabilitation. These reports noted that Wilson has continued to receive care and has improved slowly with medication, but his delusional beliefs remain intense and prominent. The BOP psychologist is working to complete a final report, in which the psychologist expects to conclude that Wilson has not been restore[d] to competency and is not likely to be restored in the foreseeable future. The parties filed a joint status report with this information. [ECF No. 53].

(*Id.* at PageID.494–495.) During a status conference the Court held with counsel on February 6, 2024, the government estimated that the BOP psychologist would submit the final report by February 29, 2024.

At this point, the Court does not have before it the information it needs to determine whether or not Wilson’s “mental condition has . . . so improved as to permit the proceedings to go forward.” 18 U.S.C.

§ 4241(d). The government's representation to the Court is that the BOP psychologist is preparing a final report, which the Court should receive at the end of this month. The Court anticipates that the report will be helpful to its determination on Wilson's capacity to allow the proceedings against him to go forward. Therefore, the Court GRANTS the government's motion for a sixty-day extension. (ECF No. 55.) Wilson is committed to the custody of the Attorney General for continued treatment through April 15, 2024. The Court will conduct a hearing regarding Wilson's mental competency under 18 U.S.C. § 4241 on March 11, 2024 at 10:30 a.m.

Moreover, the Court ORDERS the BOP to provide the final report to the Court on or before February 29, 2024. If the BOP cannot meet this deadline, it must indicate to the Court that it needs an extension and specify the length of such an extension.

IT IS SO ORDERED.

Dated: February 15, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 15, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager